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SEN. ROGER J. KATZ  
REP. SETH A. BERRY  
REP. KENNETH W. FREDETTE  
REP. JEFFREY M. MCCABE  
REP. ALEXANDER R. WILLETTE

126<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

**LEGISLATIVE COUNCIL  
MEETING SUMMARY  
February 27, 2014**

**CALL TO ORDER**

Legislative Council Chair Mark Eves called the February 27, 2014 Legislative Council meeting to order at 2:45 p.m. in the Legislative Council Chamber.

**ROLL CALL**

Senators: President Alfond, Senator Jackson, Senator Haskell and Senator Katz

Absent: Senator Thibodeau

Representatives: Speaker Eves, Representative Berry and Representative Willette

Absent: Representative McCabe and Representative Fredette

Legislative Officers: David E. Boulter, Executive Director of the Legislative Council  
Robert Hunt, Assistant Clerk of the House  
Dawna Lopatosky, Legislative Finance Director  
Jackie Little, Human Resources Director  
Marion Hylan Barr, Director, Office of Policy and Legal Analysis  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Suzanne Gresser, Revisor of Statutes  
John Barden, Director, Law and Legislative Reference Library  
Scott Clark, Director, Legislative Information Technology  
Beth Ashcroft, Director, Office of Program Evaluation and  
Government Accountability

Speaker Eves convened the meeting at 2:45 p.m. with a quorum of members present.

Legislative Council Chair Eves asked if there was any objection to taking several items out of order. There was no objection. The Chair then moved to **New Business, Item 1.**

**NEW BUSINESS****Item #1: Consideration of After Deadline Bill Requests / Addendum**

The Legislative Council considered and voted on the bill requests in accordance with the established protocol. Of the 25 bill requests, the council authorized 6 requests for introduction in the 2<sup>nd</sup> Regular Session of the 126<sup>th</sup> Legislature, 0 failed to be authorized, 3 were tabled until a future Legislative Council meeting, 3 were withdrawn, and the Legislative Council took no action on 12 requests previously tabled. Of the 2 joint resolutions, the Legislative Council took no action on 2 that were previously tabled. The chair noted that the Legislative Council had acted on 1 requested bill earlier by ballot. The Legislative Council's actions on the requests are included on the attached list.

**SUMMARY OF JANUARY 23, 2013 MEETING OF LEGISLATIVE COUNCIL**

**Motion:** That the Meeting Summary for January 23, 2013 be accepted and placed on file. Motion by Representative Willette. Second by President Alfond. **Motion passed unanimous (7-0-0-3**, with Senator Thibodeau and Representatives McCabe and Fredette absent).

**NEW BUSINESS****Item #4: Consideration of An Exception to the Legislative Council's Policy on the Use of the Hall of Flags**

Mr. Boulter reviewed the request submitted by Senator Jackson and Representative Berry to authorize a one-time, limited exception to the Legislative Council's Policy on the Use of the Hall of Flags for Franco-American Day. The request is to allow the use of an electric grill, properly ventilated and with the appropriate safety equipment, in the Hall of Flags during Franco-American Day for making ployes (Franco-American pancakes).

**Motion:** That the Legislative Council authorize a one-time exception to the Legislative Council's Policy on the Use of the Hall of Flags for Franco-American Day for the limited purpose of allowing use of an electric grill to cook ployes. Motion by President Alfond. Second by Representative Berry. **Motion passed unanimous (6-0-0-4**, with Senators Thibodeau and Katz, and Representatives McCabe and Fredette absent).

**Item #9: Executive Session**

**Motion:** That, in accordance with 1 MRSA, Section 405, subsection 6, the Legislative Council enter into an executive session for the purposes of discussing collective bargaining negotiations between the employee representative for the Administrative Unit of Legislative Employees and the Legislative Council, and discussing collective bargaining negotiations between the employee representative for the Independent Association of Nonpartisan Legislative Professionals and the Legislative Council. Motion by Senator Alfond. Second by Representative Berry. **Motion passed unanimous (6-0-0-4**, with Senators Thibodeau and Katz, and Representatives McCabe and Fredette absent).

The Legislative Council entered into an executive session at 3:10 p.m. At the conclusion of its executive session, on a motion by President Alfond, seconded by Senator Jackson, the Legislative

Council voted unanimously to end its executive session at 3:15 p.m. and reconvene its regular meeting.

President Alfond then offered the following motion:

**Motion:** That pursuant to its authority under 26 MRSA, §979-A, sub-§5, the Legislative Council of the 126<sup>th</sup> Legislature ratify the collective bargaining agreement for the period October 1, 2013 through September 30, 2015 that was negotiated and tentatively agreed to by the authorized representatives of the Legislative Council and the Maine State Employees Association-SEIU Local 1989 on behalf of the Administrative Unit of Legislative Employees on January 16, 2014, and ratified by its represented members on February 6, 2014;

Further, that pursuant to its authority under 26 MRSA, §979-A, sub-§5, the Legislative Council of the 126<sup>th</sup> Legislature ratify the agreement that was negotiated and tentatively agreed to by the authorized representatives of the Legislative Council and the Independent Association of Nonpartisan Legislative Professionals (IANLP) for the period October 1, 2013 through September 30, 2015, and ratified by its represented members on February 27, 2014.

Further, that the Legislative Council authorize the Executive Director to take all necessary steps to carry out the terms of these two Agreements;

Further, that the Legislative Council modify its personnel policies and guidelines for all legislative employees to apply personnel policies and benefit provisions including those relating to a retirement incentive and video display terminal benefit that are comparable to those contained in the collective bargaining agreement ratified by the Legislative Council and the MSEA-SEIU, and direct its Executive Director to incorporate as appropriate and administer those provisions; and

Further that compensation provisions in the form of lump sum payments, cost of living adjustments and salary steps comparable to that provided in the aforementioned collective bargaining agreement ratified by the Legislative Council and MSEA-SEIU be provided to legislative employees who are not represented by a collective bargaining agent, the effective dates of such compensation provisions to coincide with those contained in the aforementioned collective bargaining agreement ratified. Motion by Senator Alfond. Second by Representative Berry. **Motion passed unanimous (6-0-0-4**, with Senators Thibodeau and Katz, and Representatives McCabe and Fredette absent).

The Legislative Council then returned to the other items on its agenda.

## **REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES**

### **Executive Director's Report**

David Boulter, Executive Director, reported on the following:

1. NCSL Visit to Maine

Representatives of the National Conference of State Legislatures (NCSL) will be in Maine from March 18<sup>th</sup> - 20<sup>th</sup> to meet with members of Leadership, other Legislators and staff. The visit is part of NCSL's yearly effort to visit member state legislatures.

2. Change in Custodial Work Schedules

The Bureau of General Services has notified the Executive Director's office that it intends to eliminate its 3<sup>rd</sup> shift for custodians (10:30 pm – 6:30 am). This change will affect the State House since much of the cleaning of the chambers and offices occurs at night when the building is not occupied. Mr. Boulter requested that the elimination of the 3<sup>rd</sup> shift not take effect until the 2<sup>nd</sup> regular session adjourns *sine die*.

3. Natural Gas to Fuel State House Campus

The Bureau of General Services announced that as of Tuesday, February 25<sup>th</sup>, the State had converted from No. 2 fuel oil to natural gas as the fuel source to heat and cool the State House campus (including the State House and the Cross Building).

A gas pipeline to the Cross Building was installed last fall and boilers and chimneys were retrofitted over the past several months to convert them to methane use.

4. New Employee Orientation

The Executive Director's office held an orientation on February 21<sup>st</sup> for 16 new employees in the Legislature. The employees were provided information on administrative and security procedures, computer use policies, and sexual harassment and violence in the workplace response policies.

## Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported on the following:

### Revenue Update

Total General Fund Revenue - FY 2014 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$294.0	\$298.8	\$4.8	1.6%	\$302.7	-1.3%
FYTD	\$1,649.1	\$1,655.1	\$6.0	0.4%	\$1,607.4	3.0%

General Fund revenue was over budget by \$4.8 million (1.6%) in January and \$6.0 million (0.4%) for the fiscal year through January. Most of the major taxes are very close to budget.

The only significant negative variances are the Estate Tax and Transfers from the Lottery Commission. The Estate Tax was under budget for the fiscal year by \$3.6 million. This negative variance could be offset by year's end by the normal few larger estate tax filings. Lottery transfers are under budget by \$2.5 million for the fiscal year. These transfers are not expected to recover and offset the negative variance within this fiscal year.

## Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2014 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
January	\$25.8	\$26.7	\$0.8	3.2%	\$26.1	2.3%
FYTD	\$165.2	\$169.5	\$4.3	2.6%	\$171.4	-1.1%

Highway Fund revenue was over budget by \$0.8 million (3.2%) in January and \$4.3 million (2.6%) for the fiscal year through January. The Fuel Taxes category was over budget by \$4.3 million through January accounting for almost all of this positive.

### Cash Update

Average cash balances for January showed an improvement after falling below last year's balances in December. The General Fund, which was expected to decline below last year's level, rebounded in January. Highway Fund balances improved in January, recovering from the significant annual Local Road Assistance payment at the beginning of December.

### Revenue Forecasting Update

With only very small adjustments to the updated economic forecast by the Consensus Economic Forecasting Commission (CEFC) and revenue performing close to or above budgeted levels, the Revenue Forecasting Committee (RFC) recommended the following modest net changes to budgeted revenue:

- General Fund revenue was revised upward by approximately \$2.3 million for the current biennium. Revenue from Liquor Sales and Operations and the net effect of an increase of projected milk prices were the largest contributors to the General Fund net increase;
- Highway Fund revenue was increased by \$3.5 million for the current biennium primarily from recognizing recent positive Gasoline Tax revenue variances;
- Fund for a Healthy Maine revenue was increased by \$7.6 million for the current biennium from updated projections of tobacco settlement payments and the recognition of the receipt of certain disputed payments; and
- MaineCare Dedicated Revenue Taxes were revised downward by \$7.2 million for the current biennium from revised estimates of taxes on hospital and private non-medical institutions.

## REPORTS FROM COUNCIL COMMITTEES

### 1. Personnel Committee

Legislative Council Chair Eves reported that the Personnel Committee held a meeting on January 30, 2014 to consider the following matters:

1. Reappointment of John R. Barden as Director of the Law and Legislative Reference Library to a new 3 year term.

The committee considered the reappointment of John Barden as Director. The committee met with Mr. Barden and discussed his accomplishments and challenges during the past 3 years and goals for the upcoming years. The Personnel Committee voted unanimously to

recommend that the Legislative Council reappoint Mr. Barden to a new 3-year term and to approve a one step increase in salary.

Legislative Council Chair Eves then offered the following motion:

**Motion:** That upon the unanimous recommendation of the Personnel Committee, the Legislative Council appoint John R. Barden to a new 3-year term as Director of the Law and Legislative Reference Library, the date of his reappointment being retroactive to January 2, 2014, and to approve a step increase in salary, also retroactive to January 2, 2014. Motion by Speaker Eves. Second by President Alfond. **Motion passed unanimous (6-0-0-4**, with Senators Thibodeau and Katz and Representatives McCabe and Fredette absent).

2. Step Increase for Marion Hylan Barr, Director of the Office of Policy and Legal Analysis.

The committee considered a step increase for Ms. Hylan Barr. The Personnel Committee voted unanimously to approve a step increase for Ms. Hylan Barr, retroactive to her work anniversary date. No Legislative Council action was required.

3. Step Increase for the Constitutional Officers and the State Auditor.

The committee considered a step increase for each of the Constitutional Officers and the State Auditor. The Personnel Committee voted unanimously to authorize a step increase for the Constitutional Officers and the State Auditor, retroactive to their work anniversary dates. No Legislative Council action was required.

4. Step Increase for the Secretary of the Senate and the Clerk of the House.

The committee considered step increases for the Senate Secretary and the House Clerk. The Personnel Committee voted unanimously to approve a step increase for the Senate Secretary and a two-step increase for the House Clerk, retroactive to their work anniversary dates. No Legislative Council action was required.

2. **State House Facilities Committee**

No report

**OLD BUSINESS**

**Item #1: Council Actions Taken by Ballot Since the January 23, 2013 Council Meeting**

**Requests for Introduction of Legislation:**

**LR 2776 An Act to Amend Tidal Energy Demonstration Project Laws**

Submitted by: Senator Edward Youngblood  
 Approved: February 4, 2014      Vote: 10-0 in favor

**LR 2785 An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor**

Submitted by: Representative Louis Luchini  
Approved: February 4, 2014 Vote: 7-3 in favor (with Senator Thibodeau, and Representatives Fredette and Willette opposed)

**LR 2790 An Act to Designate Maine State Housing Authority to Receive the National Housing Trust Fund**

Submitted by: Senator John Patrick  
Approved: February 13, 2014 Vote: 9-0-1-0 in favor (with Representative Fredette abstaining)

**LR 2794 An Act to Cancel the No Bid Alexander Group Contract to Produce Savings in Fiscal Year 2014**

Submitted by: Representative Richard Farnsworth  
Approved: February 14, 2014 Vote: 6-4 in favor (with Senators Thibodeau and Katz and Representatives Fredette and Willette opposed)

**LR 2804 An Act to Protect Jobs in the Forest Products Industry**

Submitted by: Senator Troy Jackson  
Approved: February 18, 2014 Vote: 10-0 in favor

**Legislative Council Decisions:**

That the Legislative Council authorize expenditures of up to \$5,000 to hire a human resources consultant to assist the personnel committee in carrying out its responsibilities.

Motion by: Representative Mark Eves  
Second by: Senator Roger Katz  
Approved: January 23, 2014 Vote: 10-0 in favor

**NEW BUSINESS**

**Item #2: Submission of the Annual Report of the Midcoast Regional Redevelopment Authority**

The Midcoast Regional Redevelopment Authority submitted its 2013 Annual Report for acceptance by the Legislative Council.

**Motion:** That the Legislative Council accept the 2013 Annual Report of the Midcoast Regional Redevelopment Authority and place it on file. Motion by President Alford. Second

by Representative Willette. **Motion passed unanimous (6-0-0-4**, with Senators Thibodeau and Katz, and Representatives McCabe and Fredette absent).

### **Items #3, 5 and 8: Submission of Reports**

Speaker Eves recommended that the following reports (New Business Items #3, #5 and #8) be considered as a group. The following reports have been submitted to the Legislative Council for acceptance:

- Submission of the State of Maine Compendium of State Fiscal Information (January 2014)
- Submission of the 2013 Annual Report on Activities and Performance (OPEGA, February 2014)
- Addendum to Report Accepted by the Legislative Council on January 23, 2014 – Commission to Study the State Board of Corrections and the Unified County Corrections System

**Motion:** That the Legislative Council accept and place on file the above noted reports. Motion by President Alford. Second by Representative Berry. **Motion passed unanimous (6-0-0-4**, with Senators Thibodeau and Katz, and Representatives McCabe and Fredette absent).

### **Item #6: Invitation to the 2014 Maine STEM Summit, March 28, 2014**

The Maine Mathematics and Science Alliance extended an invitation to the Members of the Legislative Council to attend the 2014 Maine Science, Technology, Engineering and Math (STEM) Summit that will be held on Friday, March 28, 2014 at Colby College. No Legislative Council action was required.

### **Item #7: Notice of Significant Audit Findings in the Single Audit of the State of Maine**

The Office of the State Auditor submitted its notice of significant audit findings in the single audit of the State of Maine. No Legislative Council action was required.

## **ANNOUNCEMENTS AND REMARKS**

With no other business to consider or announcements, the Legislative Council meeting was adjourned at 3:35 p.m.